

1904, art. 35, sec. 10. 1888, art. 35, sec. 9. 1860, art. 37, sec. 9. 1782, ch. 40, sec. 4.

10. Any court from which execution shall issue on any recognizance forfeited for not attending as a witness in any case not capital may, upon motion and good and sufficient cause fully shown by such person, discharge him from the execution upon such terms as the court shall think fit and proper.

*Ibid.* sec. 11. 1888, art. 35, sec. 10. 1860, art. 37, sec. 10. 1797, ch. 94, sec. 6. 1886, ch. 165.

11. There shall be allowed to each witness attending the circuit courts for the counties or orphans' courts of this State the sum of one dollar for each day such witness shall attend for the discharge of his duty, besides itinerant charges to be allowed to witnesses coming from other counties; provided, that every such witness shall obtain from the clerk of the court wherein he attended, or from the register of wills, if such attendance was before an orphans' court, a certificate or order showing the amount due him for such attendance, and by whom the same is payable, within thirty days after such attendance shall have been rendered; and the failure to apply for such certificate or order within said time shall be a waiver by the witness of all claim to compensation for such attendance.

The allowance for the attendance of a witness who was subpoenaed but not sworn at the trial, will not be taxed in the costs unless directed by the court. *Davis v. Batty*, 1 H. & J. 264. *Cf. Hutchins v. Eden*, 3 H. & McH. 101.

This section referred to in construing section 14—see notes thereto. *Hall v. Somerset County*, 82 Md. 620.

As to the compensation of witnesses in equity, see art. 16, sec. 267.

*Ibid.* sec. 12. 1888, art. 35, sec. 11. 1860, art. 37, sec. 11. 1791, ch. 68, sec. 7.

12. A witness summoned before a justice of the peace shall be allowed thirty-three cents per day for each day's attendance.

The county commissioners must pay the state's witnesses, and those summoned on behalf of the defendant where he has been discharged or punished only by a fine of fifteen cents or acquitted; *contra*, as to the prisoner's witnesses where he has been convicted. (See article 24, section 7.) *Schamel v. Washington County*, 83 Md. 129.

See art. 52, sections 26 and 27.

*Ibid.* sec. 13. 1888, art. 35, sec. 12. 1860, art. 37, sec. 12. 1789, ch. 35, sec. 8.

13. A witness summoned by a surveyor in execution of an order for a survey from the circuit court shall be allowed the same pay as in the circuit court, and payment may be enforced by attachment or order from the court which issued the order for the survey.

See art. 91, sec. 7.

*Ibid.* sec. 14. 1888, art. 35, sec. 13. 1860, art. 37, sec. 13. 1752, ch. 13.

14. Where a witness against any person accused of a crime cannot find security for his appearance to testify against the person so accused and for want of such security shall be committed to prison, the county